

JAN 21 2011

JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

REBECCA J. WARDEN,

Plaintiff,

v.

MICHAEL J. ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Civil Action No. 7:09-CV-00339

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

By: Judge James C. Turk
Senior United States District Judge

ORDER

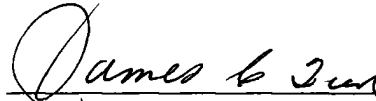
Plaintiff Rebecca J. Warden brings this action pursuant to 42 U.S.C. §§ 216(i) and 223 for review of the Commissioner of Social Security's final decision denying her claims for disability insurance benefits and supplemental security income under Titles II and XVI of the Social Security Act. The Court referred the matter to United States Magistrate Judge Michael F. Urbanski for a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge subsequently filed a report finding that the Administrative Law Judge ("ALJ") that the ALJ appropriately considered Warden's mental health issues and the treatment notes and opinions of Dr. Hutchins, and factored those concerns into the disability calculus. As such, the Magistrate Judge concluded that the ALJ's decision was supported by substantial evidence. The Magistrate Judge, therefore, recommended that the Commissioner's decision be affirmed, that the Commissioner's Motion for Summary Judgment be granted, and Warden's Motion for Summary Judgment be denied.

Following the issuance of the Report and Recommendation, the parties were entitled to note any objections within ten (10) days. Fed. R. Civ. P. 72(b) (2008). The

Court received no such objections. As a result, and having reviewed the Magistrate Judge's Report and Recommendation and pertinent portions of the record, the Court agrees with the Magistrate Judge's recommendation. Accordingly, it is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's Report and Recommendation is **ADOPTED**, the Commissioner's decision is **AFFIRMED**, the Commissioner's Motion for Summary Judgment (Dkt. #20) is **GRANTED**, and Warden's Motion for Summary Judgment (Dkt. #17) is **DENIED**.

The Clerk of Court is directed to strike the case from the Court's active docket. The Clerk is further directed to send copies of this Order to counsel of record for all parties.

ENTER: This 21st day of January, 2011.



Hon. James C. Turk
Senior United States District Judge